

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LAKELAND BANK,)	CIVIL NO. 4:22-CV-01076
Plaintiff)	
)	
v.)	
)	(ARBUCKLE, M.J.)
SUN-RE CHEESE CORP.,)	
Defendant)	

ORDER AND JUDGMENT AFTER TRIAL

Following a bench trial held on February 17, 2023, and for the reasons set forth in the accompanying Memorandum Opinion it is hereby ORDERED that:

1. Judgment in replevin is granted to Plaintiff Lakeland Bank for the following four specific pieces of equipment: three Monblanc Engineering Refurbished CMT Chilling Vats - VRM 6000, VRM 9000, VRM 5000; and one Heritage Equipment Company Walker Model VSHT 30,000 gallon refrigerated silo type storage tank.

2. It is further ordered that Defendant Sun-Re Cheese Corp. shall immediately turn over the equipment to Plaintiff Lakeland Bank or allow a public auction and sale of the equipment to occur at Defendant's Premises, 178 Lenker Avenue, Sunbury, Pennsylvania 17801, within thirty days of this order or at another time mutually agreed upon in writing by the parties.

3. It is further ordered that if Defendant Sun-Re Cheese Corp fails or refuses to turn over the equipment or allow the auction and sale of the equipment at its premises, the U.S. Marshal, including deputy Marshals, are authorized to employ whatever

reasonable force is necessary to enter the premises, take possession of the equipment and deliver the equipment to Plaintiff Lakeland Bank at a place and time designated by the Bank, at the Bank's expense, to be sold in accordance with the terms of the July 1, 2016, Conditional Sales Agreement.

4. It is further ordered that anyone interfering with the execution of this Order is subject to arrest by the United States Marshal or his or her representative.

5. It is further ordered that proceeds from any sale of the equipment shall be applied to the balance requested in the complaint of \$65,728.00 as principal and \$4,518.80 in late charges after deduction of the cost of any seizure and sale. Any excess of those amounts shall be deposited with the Clerk of Court for a determination of any attorney's fees and costs due in this replevin action.

6. Any motion for attorney's fees and related nontaxable expenses must be made with fourteen (14) days after the sale contemplated by this order. This is a specific extension of the usual fourteen (14) day post order requirement in the rules and is made pursuant to F. R. Civ. P. 54(d)(2)(B). Plaintiff may file an interim motion for attorney's fees and related nontaxable expenses but is not required to do so.

Date: February 21, 2023

BY THE COURT

s/William I. Arbuckle
William I. Arbuckle
U.S. Magistrate Judge